

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

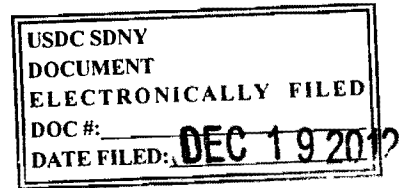
IRAQI REFUGEE ASSISTANCE PROJECT,

Plaintiff,

- against -

DEPARTMENT OF DEFENSE and  
DEPARTMENT OF STATE,

Defendants.



11 Civ. 5024 (KBF)  
ECF Case

**STIPULATION AND  
ORDER OF DISMISSAL**

WHEREAS, on or about September 7, 2010, plaintiff Iraqi Refugee Assistance Project (“Plaintiff”) submitted requests under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), to (i) three Department of Defense (“DOD”) components—the Office of the Inspector General, the Defense Contract Management Agency, and United States Central Command—and (ii) the Department of State (“DOS”); and

WHEREAS, Plaintiff filed a complaint on July 21, 2011, in connection with its FOIA requests (collectively, the “FOIA Request”); and

WHEREAS, DOD and DOS (collectively, the “Government”) have completed their releases of documents responsive to the FOIA Request, with the exception of two categories of documents referred by DOS to DOD (the “Referred Documents”) pursuant to FOIA, 5 U.S.C. § 552(a)(6)(B)(iii)(III) (specifying the need for “consultation . . . with another agency having a substantial interest in the determination of the [FOIA] request”); and

WHEREAS, the first category of Referred Documents (the “Category One Documents”) consists of approximately 82 pages that were referred by DOS to DOD for review, and which have been returned by DOD to DOS for release to Plaintiff; and

WHEREAS, the second category of Referred Documents (the “Category Two Documents”) consists of approximately 142 pages that have been referred by DOS to DOD for review, and which remain under review at DOD; and

WHEREAS, Plaintiff and the Government have agreed on a production schedule for the Referred Documents; and

WHEREAS, Plaintiff requires fourteen days after the final production of the Referred Documents to determine whether to challenge (i) the adequacy of the Government’s search for documents responsive to Plaintiff’s FOIA Request or (ii) the Government’s withholding of certain documents, in whole or in part, pursuant to FOIA, 5 U.S.C. § 552(b);

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and the Government as follows:

1. The parties agree that this action is discontinued, subject to re-opening within sixty (60) days of the date hereof should (i) Plaintiff determine to challenge the adequacy of the Government’s search for documents responsive to Plaintiff’s FOIA request or the Government’s withholding of documents, in whole or in part, pursuant to FOIA, 5 U.S.C. § 552(b), (ii) the Government fails to produce the Referred Documents in accordance with the deadlines in paragraph 2 of this Order, or (iii) any party demonstrate good cause for re-opening this action.

2. The Government agrees to the following production schedule for the Referred Documents:

a. Category One Documents: The Government shall produce the Category One Documents no later than December 27, 2012.

b. Category Two Documents: The Government shall produce the Category Two Documents no later than January 25, 2013.

3. In the event that this action is not re-opened within sixty (60) days as provided herein, the parties agree that this action shall be dismissed with prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, without costs, attorneys' fees or conferral of prevailing party status pursuant to FOIA or any other federal statute.

4. This Stipulation and Order of Dismissal shall have no precedential value or effect whatsoever and shall not be admissible in any other action or proceeding as evidence or for any other purpose except in an action or proceeding to enforce this Stipulation and Order of Dismissal.

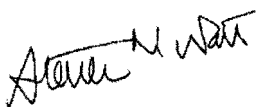
5. This Stipulation and Order of Dismissal embodies the entire agreement of Plaintiff and the Government in this matter.



Dated: New York, New York  
December 17, 2012

Dated: New York, New York  
December 17, 2012

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
*Attorney for Plaintiff*

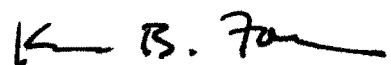
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**SO ORDERED.**

Dated: New York, New York  
December 19, 2012

  
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HON. KATHERINE B. FORREST  
United States District Judge